

HOUSE BILL NO. 602

INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS ON THE USE OF STATE-OWNED VEHICLES; ESTABLISHING RESTRICTIONS ON COMMUTING FROM AN EMPLOYEE'S RESIDENCE TO A WORKSITE; AMENDING SECTION 2-17-411, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Limit on use of state vehicle to commute to worksite -- definitions. (1)

Except as provided in subsection (2), a state-owned vehicle, ~~including a highway patrol vehicle,~~ may not be used by a state agency employee to commute from the employee's residence to the employee's worksite ~~if the work site is 30 miles or less from the employee's residence.~~

(2) ~~(A) An employee's supervisor~~ THE DEPARTMENT DIRECTOR may authorize an exception to subsection (1) ~~if there is a compelling reason for the exception, SUCH AS THE COMMUTE FROM AN EMPLOYEE'S RESIDENCE TO THE EMPLOYEE'S WORKSITE IS LESS THAN 30 MILES, AND IF:~~

~~(i) WHEN AN THE EMPLOYEE IS REQUIRED TO BE ON CALL FOR QUICK RESPONSE TO AN EMERGENCY THAT THREATENS LIFE OR PROPERTY AND ON-CALL DUTY IS A SPECIFICALLY IDENTIFIED DUTY IN THE EMPLOYEE'S POSITION DESCRIPTION, AND EMPLOYEES IN THE POSITION HAVE FREQUENTLY RESPONDED TO EMERGENCY CALLS IN THE PAST; 6 MONTHS.~~

~~(ii) WHEN THE VEHICLE IS, IN EFFECT, THE EMPLOYEE'S WORKSITE;~~

~~(iii) WHEN AN THE EMPLOYEE MUST IS REQUIRED TO DRIVE TO AN ALTERNATE WORKSITE AT LEAST ONCE A WEEK AND COMMUTING FROM THE EMPLOYEE'S HOME TO PICK UP A STATE-OWNED VEHICLE IS NOT PRACTICAL; OR~~

~~(iv) WHEN 24 HOUR USE OF A STATE-OWNED VEHICLE IS SPECIFICALLY AUTHORIZED BY LAW FOR AN ELECTED OR APPOINTED STATE OFFICIAL AND USE OF THE VEHICLE IS CONSIDERED PART OF THE OFFICIAL'S COMPENSATION PACKAGE.~~

(B) Any exception AUTHORIZED PURSUANT TO SUBSECTION (2)(A) and the rationale for the exception must be documented in a memorandum or letter signed by the employee's ~~supervisor~~ DEPARTMENT DIRECTOR and kept on file with the agency head. A COPY OF THE LETTER OR MEMORANDUM MUST BE SENT TO THE GOVERNOR.

(C) THIS SECTION DOES NOT APPLY:

(i) TO THE PSYCHIATRIST EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AND ASSIGNED TO THE MONTANA

1 STATE PRISON;

2 (II) WHEN THE VEHICLE IS, IN EFFECT, THE EMPLOYEE'S WORKSITE; OR

3 (III) WHEN 24-HOUR USE OF A STATE-OWNED VEHICLE IS SPECIFICALLY AUTHORIZED BY LAW FOR AN ELECTED OR
4 APPOINTED STATE OFFICIAL AND USE OF THE VEHICLE IS CONSIDERED PART OF THE OFFICIAL'S COMPENSATION PACKAGE.

5 ~~(3) This section may not be interpreted to authorize a state agency employee to use~~ USING a
6 state-owned vehicle to commute between the employee's residence and a worksite that is more than 30 miles
7 from the employee's residence ~~if~~ IS NOT PERMITTED UNDER ANY CIRCUMSTANCE UNLESS that use is ~~not~~ authorized
8 BY THE EMPLOYEE'S DEPARTMENT DIRECTOR AS REQUIRED IN THIS SECTION AND pursuant to ~~agency policy or rules~~
9 adopted under 2-17-424, THE RATIONALE FOR THE EXCEPTION IS DOCUMENTED IN A MEMORANDUM OR LETTER SIGNED
10 BY THE EMPLOYEE'S DEPARTMENT DIRECTOR AND KEPT ON FILE WITH THE AGENCY HEAD, AND A COPY OF THE LETTER OR
11 MEMORANDUM IS SENT TO THE GOVERNOR.

12 (4) As used in this section, "state agency" or "agency" means any office, board, commission, department,
13 or other entity of the executive, judicial, or legislative branch of state government, including the university system.

14
15 **Section 2.** Section 2-17-411, MCA, is amended to read:

16 **"2-17-411. Motor pool -- department of transportation -- exceptions.** (1) The department of
17 transportation's motor pool is responsible for the acquisition, operation, maintenance, repair, and administration
18 of all motor vehicles in the custody of the motor pool.

19 (2) ~~This~~ Except as provided in [section 1], this part does not apply to a motor vehicle used in the service
20 of the governor; OR the attorney general; ~~or the highway patrol.~~

21 (3) THIS PART DOES NOT APPLY TO A MOTOR VEHICLE USED IN THE SERVICE OF THE HIGHWAY PATROL."

22
23 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 2, chapter 17, part 4, and the provisions of Title 2, chapter 17, part 4, apply to [section 1].

25
26 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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